

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16-00301-01-CR-W-DGK
)	
KEITH L. CARNES,)	
)	
Defendant.)	

MOTION FOR CONTINUANCE
WITH SUGGESTIONS

COMES NOW the defendant, by and through counsel, Todd M. Schultz, Assistant Federal Public Defender for the Western District of Missouri, in accordance with Rule 47, Fed. R. Crim. P., and Rule 7.1 (b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, and moves this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to remove this case from the Joint Accelerated Criminal Jury Trial Docket scheduled to commence November 28, 2016, 2016, and to continue this case until Joint Accelerated Criminal Jury Trial Docket scheduled to commence on May 8, 2017.

SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE

1. On September 1, 2016, a Criminal Complaint was filed in the Western District of Missouri charging that defendant with being an unlawful user of a controlled possession of a firearm in violation of 18 U.S.C. §§922(g)(1) and 924(a)(2). On September 21, 2016 an Indictment was filed charging the defendant with being an unlawful user of a controlled substance did knowingly possess a firearm in 18 U.S.C. §§922(g)(1) and 924(a)(2).
2. On September 9, 2016, the Federal Public Defender's Office was appointed to represent defendant.

3. Counsel needs time to thoroughly review evidence and adequately discuss the case with defendant.

4. William Alford, Assistant United States Attorney, has indicated that he has no objection to this continuance request.

5. This continuance is sought not for purpose of dilatory delay, but is sought in truth and fact that the defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. §3161(h)(7)(A) and (B)(iv), it is submitted that the above-stated reasons for a continuance outweigh the best interests of the public and the defendant to a speedy trial, which is required by 18 U.S.C. §3161(c)(1).

6. Under the provisions of 18 U.S.C. §3161(h)(7)(A) the period of time until the next criminal trial docket should be excluded in computing the period of time in which the defendant should be brought to trial under the provisions of the Speedy Trial Act.

WHEREFORE, the defendant respectfully requests this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to remove this case from the Joint Accelerated Criminal Jury Trial Docket scheduled to commence November 28, 2016, and to continue this case until the Joint Accelerated Criminal Jury Trial Docket scheduled to commence on May 8, 2017.

Respectfully submitted,

/s/Todd M. Schultz
TODD M. SCHULTZ
Assistant Federal Public Defender
818 Grand, Suite 300
Kansas City, MO 64106
(816) 471-8282
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that on October 24, 2016, one copy of the foregoing motion was electronically delivered to Catherine Connelly, Asst. U.S. Attorney, 400 E. 9th, Kansas City, MO 64106.

/s/Todd M. Schultz
TODD M. SCHULTZ